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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,907	10/20/2003	Reynold V. D'Sa	42390P7945C	3974

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EXAMINER

MEONSKE, TONIA L

ART UNIT PAPER NUMBER

2183

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,907

Applicant(s)

D'SA ET AL.

Examiner

Tonia L Meonske

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 7, 9, 10, 21, 23, 24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 9, 10, 21, 23, 24, 26; and 27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on August 16, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 21, 23, 24, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Talcott, US Patent 6,272,623, cited in the IDS filed on October 20, 2003.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 9, 10, and 27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pan et al., US Patent 5,553,253, cited in the IDS filed on October 20, 2003.

7. Claims 1, 7, 9, 10, and 27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Applicant's own admitted prior art in the specification.

8. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action, mailed on May 18, 2004.

Response to Arguments

9. On page 9, Applicant argues in essence:

"This language does not disclose that an array is transferring data shift information to a data shifting circuit as claimed in claim 21. Instead this language states that a value of 0 or 1 is shifted into a register based on whether or not a branch is taken. Nothing in Talcott is disclosing that array is transferring such data shift information to a data shifting circuit."

Talcott has in fact taught that an array is transferring data shift information to a data shifting circuit as claimed in claim 21. The program counter is an array of size one. As shown in Figure 2, the program counter provides the instruction address to the data shifting circuit, elements 220 and 230. The value to be shifted in is dependent on the instruction address (column 3, lines 1-43). Since the actual value shifted in is dependent upon the instruction address, the address is data shift information. Therefore, Talcott has in fact taught that an array, or program counter, is transferring data shift information, the instruction address, to a data shifting circuit, elements 220 and 230. Therefore this argument is moot.

10. On pages 10 and 11, Applicant argues in essence:

"In regards to claim 1, the Examiner states the phrase "providing at least three elements, including a first element and a last element, each element having an associated parameter" is met by Pan.Pg. 6, item 19 of the office action mailed 5/18/04. Applicants respectfully disagree. The Examiner refers to Figure 3, A27, A28, and A29 of Pan as being a parameter associated with the first element, or branch instruction. This may show that the first element is associated with a parameter (A27, A28, A29), but it does not disclose that all three elements have an associated parameter. Fig. 3 of Pan shows that item 17 is a single branch instruction. This is the only branch instruction. Hence there is no disclosure of three separate elements in which all three are associated with a parameter."

However, Pan et al. have taught three separate elements in which all three are associated with a parameter. Pan has taught more than one branch instruction, Pan et al. has at least taught 3 successive branch instructions (column 4, lines 20-25 and 37-41). Each successive branch instruction will have its own bits, A27, A28, and A29, as the associated parameter for that instruction. For example, the first branch will have first bits A27, A28, and A29 as an associated parameter, the second branch will have second bits A27, A28, and A29 as an associated parameter, and the third branch will have third bits A27, A28, and A29 as an associated parameter. Therefore this argument is moot.

11. On page 12, Applicant argues in essence:

"In regards to claim 1, the Examiner states the phrase "for a first sequential execution of the at least three elements, performing a first operation on the first identifier and at least one of the parameters to a transform" is met by Applicants' own specification (specifically Fig. 1-3). Pg. 7, item 24 of the office action mailed 5/18/04. Applicants respectfully disagree. Claim 1 discloses "performing a first operation on the first identifier and at least one of the parameters to produce a transform." The prior art of Fig. 2 discloses that an "exclusive XOR function is performed on the shifted index value and the associated parameter." Pg. 8, lines 9-10. Fig. 2 is disclosing that the XOR function is performed on the shifted index's associated value and not at least one of the parameters as taught by claim 1. "The associated parameter" and "at least one of the parameters" are not the same. "

However, in claim 1, the antecedent basis for the limitation "at least one of the parameters" is the prior limitation "each element having an associated parameter".

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According to the claim the at least one of the parameters MUST be one of the associated parameters. Therefore this argument is moot.

Conclusion


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonia L Meonske whose telephone number is (571) 272-4170.

The examiner can normally be reached on Monday-Friday, 8-4:30.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie P Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tlm


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